

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Barbara Poland-Courtney,

Case No. 3:06CV2040

Plaintiff

v.

ORDER

Mark L. Eckhauser, M.D.,

Defendant

This is a malpractice action which has been removed to this court following joinder of the United States Department of Veterans Affairs. The Department has filed a cross-claim against the individual defendant, Dr. Mark Eckhauser.

Pending is Eckhauser's motion for a more definite statement. The basis of the motion is Ohio Civ. R. 10(D). That rule requires that a plaintiff in a malpractice action attach an affidavit regarding anticipated expert opinion in support of the claim.

As the government's opposition points out, state procedural rules are not binding on federal courts. The Ohio rule is procedural, not substantive, in nature. [The government has, in any event, disclosed by letter an anticipated expert].

It is, therefore,

ORDERED THAT defendant's motion for a more definite statement be, and the same hereby is overruled.

So ordered.

s/James G. Carr  
James G. Carr  
Chief Judge